

James F. Basile (SBN 228965)
james.basile@kirkland.com
Elizabeth L. Deeley (SBN 230798)
elizabeth.deeley@kirkland.com
Adam L. Gray (SBN 262557)
adam.gray@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Susan Marie Davies (*Admitted pro hac vice*)
susan.davies@kirkland.com
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 879-5000
Facsimile: (202) 879-5200

Attorneys for Defendant
FACEBOOK, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAMBREEL HOLDINGS LLC; YONTOO LLC;
and THEME YOUR WORLD LLC,

Plaintiffs,

vs.

FACEBOOK, INC.,

Defendant.

CASE NO. 12-CV-00668-CAB-KSC

**DEFENDANT FACEBOOK, INC.'S
UNOPPOSED EX PARTE
APPLICATION FOR LEAVE TO FILE
DECLARATIONS IN RESPONSE TO
PLAINTIFFS' REPLY IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. Cathy Ann Bencivengo
Hearing Date: August 9, 2012
Hearing Time: 10:00 a.m.
Dept.: Courtroom 2

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Pursuant to Civil Local Rule 83.3(h) and the Court's Civil Case Procedures, Defendant
 3 Facebook, Inc., by and through its counsel, respectfully submits this application, on an *ex parte*
 4 basis, for leave of the Court to file two declarations in response to Plaintiffs' Reply in Support of
 5 Motion for Preliminary Injunction. Facebook seeks this relief on the grounds that it should be
 6 permitted to respond to previously undisclosed testimony introduced in the Declaration of Matthew
 7 Adams, submitted by plaintiffs in Reply to the motion for a preliminary injunction, and that
 8 Facebook's defense of the motion will be harmed if the requested relief is not granted. This
 9 application is based on this application for *ex parte* relief, the accompanying Declaration of
 10 Elizabeth L. Deeley, the accompanying Memorandum of Points and Authorities and the declarations
 11 attached as Exhibit 1 and Exhibit 2 thereto, the pleadings on file, and such further evidence as may
 12 be presented.

13 Facebook provided timely advance notice of this application to Plaintiffs' counsel. *See* Decl.
 14 of Elizabeth L. Deeley ¶ 2-3. Plaintiffs do not object to Facebook submitting the declarations
 15 attached to the Memorandum of Points and Authorities as Exhibits 1 and 2, and do not object to the
 16 Court's consideration of those declarations. *Id.* ¶ 4.

17
 18 DATED: August 6, 2012

Respectfully submitted,

KIRKLAND & ELLIS LLP

21 /s/ Elizabeth L. Deeley

Elizabeth L. Deeley
 elizabeth.deeley@kirkland.com

James F. Basile
 james.basile@kirkland.com

Adam L. Gray
 adam.gray@kirkland.com

Susan Marie Davies (*Admitted pro hac vice*)
 susan.davies@kirkland.com

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2012, I electronically filed the foregoing **DEFENDANT FACEBOOK, INC.'S UNOPPOSED EX PARTE APPLICATION FOR LEAVE TO FILE DECLARATIONS IN RESPONSE TO PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION** with the Clerk of the court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the Court's Electronic Mail Notice List and will be sent by overnight mail delivery to the following:

Daniel Kotchen
KOTCHEN & LOW LLP
2300 M Street NW, Suite 800
Washington, DC 20037

DATED: August 6, 2012

By: /s/ Elizabeth L. Deeley
Elizabeth L. Deeley